

APPEAL NO. 020906
FILED JUNE 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 26, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____; that the claimant has not had disability; and that the respondent (carrier) is relieved of liability under Section 409.002 because the claimant failed, without good cause, to timely notify her employer of her claimed injury under Section 409.001. The claimant appealed. No response was received from the carrier.

DECISION

The hearing officer's decision is affirmed.

The claimant had the burden to prove that she sustained a compensable injury, that she had disability, and that she timely notified her employer of her claimed injury or had good cause for failing to timely notify her employer of her claimed injury. The claimant testified that she sustained a back injury when she lifted a mattress at work. Since the claimant did not claim a repetitive trauma injury, the hearing officer did not err in not addressing a repetitive trauma injury. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The trier of fact may believe that the claimant has an injury, but disbelieve that the injury occurred at work as claimed. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**THE CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge